

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

HARRY L. SAMUEL,

Plaintiff,

v.

FIRST CORRECTIONAL MEDICAL,

Defendant.

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) C.A. No. 05-037-SLR
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**PLAINTIFF’S MOTION FOR HEARING REGARDING
ENTRY OF JUDGMENT**

Plaintiff Harry L. Samuel respectfully requests that the Court set a hearing to determine whether judgment should be entered, and in what amount, against defendant First Correctional (“FCM”) based on FCM’s failure to defend.

On April 4, 2008, the Court ordered FCM to retain new counsel before June 9, 2008 (D.I. 137). The Court made clear that “[f]ailure of FCM to timely comply with this order shall be considered a failure to defend and the court shall conduct a hearing at sometime in the future to determine whether judgment (and in what amount) shall be entered against FCM” (*id.*).

Because FCM has failed to retain new counsel as required by the Court’s April 4 Order, plaintiff respectfully requests that the Court set a hearing to determine whether judgment should be entered against FCM, and in what amount.

MORRIS, NICHOLS, ARSHT & TUNNELL LLP

/s/ Rodger D. Smith II

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July 16, 2008
2411383

CERTIFICATE OF SERVICE

I, Rodger D. Smith II, hereby certify that on July 16, 2008, I caused the foregoing to be electronically filed with the Clerk of the Court using CM/ECF.

I also certify that copies were caused to be served on July 16, 2008, upon the following in the manner indicated:

BY REGISTERED MAIL

Dr. Tammy Kastre
First Correctional Medical
205 W. Giaconda Way, Suite 115
Tucson, AZ 85704

/s/ Rodger D. Smith II

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